

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIAHART, LLC, §
§
Plaintiff, §
§
v. § CASE NO. 6:18-CV-604-RWS-KNM
§
DOES 1–54, §
§
Defendants. §

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (Docket No. 51), recommending Plaintiff’s Motion for Default Judgment (Docket No. 42) be granted. This trademark infringement action was referred to United States Magistrate Judge K. Nicole Mitchell under 28 U.S.C. § 636. After holding an evidentiary hearing and ordering supplemental briefing, the Magistrate Judge entered her Report on January 29, 2021. *See* Docket No. 51. In the Report, the Magistrate Judge ordered Viahart to serve the Report on the defaulting defendants and interested third parties by February 12, 2021. *Id.* at 25. Viahart complied with that instruction on February 3, 2021. *See* Docket No. 52.

No party has filed objections; accordingly, they are not entitled to *de novo* review of those findings, conclusions and recommendations, and, except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683

(1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants[.]’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)).

The Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that Plaintiff’s Motion for Default Judgment (Docket No. 42) is
GRANTED.

SIGNED this 26th day of February, 2021.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE